

**2004 GENERAL ASSEMBLY  
ELEMENTARY AND SECONDARY EDUCATION LEGISLATION**

**SB 28 - AN ACT relating to education and declaring an emergency.**

**Sponsor: J. Turner, W. Blevins, P. Herron Jr, R. Jones II, G. Neal, R. Palmer II**

- Establishes in a school district that misses school days due to an emergency, including weather-related, that a certified school employee has fulfilled the minimum 185-day contract with a school district and is to be provided service credit if state and local requirements are met regarding the equivalent of the number and length of instructional days, professional development days, holidays, and days for planning activities without the presence of pupils and days are made up in the school calendar and the additional instructional time is met.
- Provides conditions for classified school employees to work additional time to be applied toward the employee's contract and calculation of service credit.
- Permits assigning classified, part-time employees who do not have additional work responsibilities due to the lengthened instructional day, additional work responsibilities to make up service credit that would be lost.
- Applies to the 2003-04 school year because of the emergency clause.

**SB 52 (BR 1033) - AN ACT relating to children**

**Sponsor: R. Roeding, J. Pendleton, J. Westwood**

- Requires the judge of the court in which a petition against a child has been filed or in which a child has been adjudicated guilty of certain offenses to direct the court clerk to notify the superintendent in the public school district or the principal in a private school in which the child is enrolled of the court action. The superintendent is required to notify the principal of the school in which the child is enrolled. This is a clarification of the notification procedure in current law.
- Requires 24-hour notification from the time the petition is filed if the offense relates to a controlled substance; or the possession, carrying, or use of a deadly weapon; or physical injury to another person. Requires that if the petition is dismissed, all records of the incident or notification created in the school or district are to be destroyed and the information shall not be included in the child's school records.
- Requires that notification of a student being adjudicated guilty or expelled for various crimes be sent to a new school within 5 working days.

**SB 80 - AN ACT relating to excused absences from school.**

**Sponsor: J. Denton**

- Requires a school principal to give a student an excused absence of up to ten days to pursue an educational enhancement opportunity of significant educational value.
- Requires the school to allow the student to make up schoolwork and not have his or her class grade adversely affected for lack of attendance or participation. A student

receiving an excused absence for this purpose shall be counted in average daily attendance.

- Makes a student not eligible to receive an excused absence during a school's testing window for the CATS assessment or during the testing period for a district-wide assessment, unless there are extenuating circumstances.
- Provides for an appeal of a negative decision to the superintendent and then to the local board of education.

**SB 85 - AN ACT relating to fines for traffic offenses.**

**Sponsor: T. Shaughnessy**

Doubles the fines for speeding in a school zone where the speed limit has been lowered and flashing lights have been installed pursuant to KRS 189.336.

**SB 111 - AN ACT relating to school councils.**

**Sponsors: B. Guthrie, G. Neal**

- Requires a school council identified as need improvement to include in its school improvement plan actions to strengthen the school council and the decision making process and the school district to include in its assistance plan for these schools actions to improve the functioning of the school council and the decision making process at the school.
- Requires the audit team of a school that has failed to meet its goal for two or more successive accountability cycles to recommend to the commissioner of education whether the school council shall retain the authority granted to it under KRS 160.345 and if not, recommend whether the authority shall be transferred to the superintendent or a highly skilled educator, and whether the school council shall continue to act in an advisory capacity until all authority has been restored.
- Requires a scholastic audit team, when auditing a district of a school that for two successive accountability cycles has failed to meet its goal, to include actions to strengthen the school council in the district's assistance plan. Requires the district audit team to recommend to the commissioner of education whether the school council should retain the authority granted to it under KRS 160.345 and if not, recommend whether the authority shall be transferred to the superintendent or a highly skilled educator, and whether the school council shall continue to act in an advisory capacity until all authority has been restored.
- Specifies that if the school and district audit teams recommend transfer of the council's authority to the superintendent, the commissioner of education shall transfer the authority. Within 30 days of the commissioner's action, permits the school council to request that the Kentucky Board of Education consider the matter by submitting a written request including any supporting information. If both audit teams recommend transfer of the council's authority to a highly skilled educator, or if they recommend transfer of the council's authority but are not in agreement as to the party granted the council's authority, the commissioner shall make a recommendation to the state board.

- Restores the school's right to establish a council or the school's right for the council to assume the full authority granted under KRS 160.345 when the school meets its accountability goal for an accountability cycle as determined by the Kentucky Department of Education.
- Requires the commissioner of education to forward any information to the Office of Education Accountability for investigation found by an audit team suggesting that a violation related to the implementation of school- based decision making may have occurred.

**SB 115 - AN ACT relating to civil actions under the federal Individuals with Disabilities Education Act.**

**Sponsors: B. Guthrie, L. Casebier**

Requires that a request for an administrative hearing alleging a violation of the federal Individuals with Disabilities Education Act be made within three years after the cause of action arises, unless there is a continuing violation or unless the parent is prevented from requesting a hearing by certain specified circumstances.

**SB 124 (BR 1467) - AN ACT relating to school bus specifications.**

**Sponsor: L. Casebier**

Requires that school bus standards and specifications be set by the Kentucky Department of Education rather than by the Kentucky Board of Education.

**SR 27**

**Sponsor: D. Karem, L. Casebier, et al.**

Honors and commends the work of the Kentucky Family Resource and Youth Services Centers.

**SR 64**

**Sponsor: R. Leeper**

Recognizes and commends the efforts and accomplishments of the Kentucky Association for Gifted Education; encourages all education partners to provide sufficient resources to ensure that gifted and talented students are identified and provided appropriate educational opportunities.

**SJR 80**

**Sponsor: J. Westwood**

Urges the Secretary of the State to establish a committee to evaluate existing school civic literacy programs and recommend a plan for implementing a civic education program.

**SJR 156**

**Sponsor: D. Williams, D. Kelly, C. Borders, et al.**

- Directs the Office of Education Accountability under the direction of the Education Assessment and Accountability Review Subcommittee (EAARS) to conduct a study of the Commonwealth Accountability Testing System.
- Requires that the Kentucky Department of Education provide analysis of data and information upon request by the Office of Education Accountability
- Requires a written draft report be made by September 15, 2004 to EAARS, and with its approval, that the report be transmitted to the Legislative Research Commission and the Interim Joint Committee on Education.

**HB 10 – AN ACT relating to children with disabilities.**

**Sponsors: T. Couch**

- Provides that a student may be granted an exemption from compulsory attendance if the student's individual education plan specifies that his or her placement in home or hospital is the least restrictive environment.
- Makes the requirement for signed statements from two medical professionals for a student who is excused from school attendance for more than six months not apply to a student whose doctor or other medical professional certifies that the student has a chronic physical condition that renders attendance inadvisable and the condition is not likely to improve within one year, but requires the admissions and release committee to consider annually the child's condition and existing documentation and request updated evidence if needed or at least every three years.

**HB 36 - AN ACT relating to participation of Head Start teachers in the Kentucky Teachers' Retirement System.**

**Sponsors: C. Siler, C. Embry Jr., K. Hall**

Permits members of the Kentucky Teachers' Retirement System to purchase service credit for Head Start experience under the same conditions that out-of-state service credit may be purchased under KRS 161.515.

**HB 48 - AN ACT relating to civil actions.**

**Sponsor: S. Lee**

Provides limited immunity to an employer who discloses job performance information about a former or current employee to a prospective employer of that employee if requested to do so by that employee or prospective employer unless the employer disclosed the information knowing that it was false, with reckless disregard of whether it was true or false, or with intent to mislead the prospective employer; or disclosure of the information by the employer constitutes an unlawful discriminatory practice.

**HB 90 - AN ACT relating to health services and declaring an emergency.**

**Sponsors: T. Burch, C. Embry Jr, S. Westrom**

- Defines "anaphylaxis" as an allergic reaction resulting from sensitization following prior contact with an antigen which can be a life-threatening emergency and amends the definition of "medications" to include EpiPen or other auto-injectible epinephrine.
- Permits students with anaphylaxis in public or private schools to self-administer prescribed medications.
- Permits students that meet the requirements of KRS 158.834 to use anaphylactic medications when at school, at a school-sponsored activity, or before or after normal school activities while on school properties.
- Makes the provisions relating to self-administration of anaphylaxis medications take effect upon passage and approval of the Governor.

**HB 113 - AN ACT relating to the awarding of high school diplomas.**

**Sponsors: M. Weaver, R. Adkins, E. Ballard, J. Barrows, et al.**

- Requires local boards of education to award high school diplomas to certain honorably discharged veterans of the Korean War.
- Requires the Reserve Officers Training Corps program course be accepted as meeting the physical education requirement for high school graduation.

**HB 152 – AN ACT relating to the Education Professional Standards Board**

**Sponsor: H. Moberly**

- Requires that a candidate provide a local board a certificate for school superintendent issued by the Education Professional Standards Board prior to hiring, as opposed to a signed statement from the chief state school officer.
- Requires the EPSB to make periodic reports concerning supply and demand and other workforce issues.
- Makes changes in the alternative certificate granted for persons with exceptional work experience to allow a student to have a 3.0 on a 4.0 on the last 60 hours of credit, including undergraduate or graduate coursework completed if the student fails to have a 2.5 in the undergraduate degree or a graduate degree meeting the same grade point averages as an undergraduate, and an academic major or a passing score on the academic content assessment designated by the EPSB; and successful completion of the internship. Makes the renewal of the certificate subject to the same requirements as any other certificate.
- Prohibits counting a certificate as an adjunct instructor as "highly qualified" under the federal No Child Left Behind Act of 2001.
- Makes a temporary provisional certificate granted a teacher completing a university alternative program valid for a maximum of 1 year and renewable for two additional years, as opposed to valid for a maximum of two years.
- Creates a new Option 7 for certification of a person in a field other than education to teach in elementary, middle or secondary programs if the candidate possesses certain academic credentials and assessments and meets certain training requirements prior to or during the first year of teaching, and completes the internship program.

**HB 163 - AN ACT relating to school finance.**

**Sponsor: H. Moberly**

- Defines “communication services,” gross cost,” “gross receipts,” and “utility services” for purposes of statutes relating to the utility gross receipts license tax for school districts.
- Makes the Revenue Cabinet the collector for the tax and provides a fee based on the cabinet’s costs for collection and administration of the tax not to exceed 1%. Requires the cabinet to report its actual expenses and the allocation of expenses among school districts to the Kentucky Board of Education on a quarterly basis. Requires that distributions be made on a monthly basis.
- Requires the superintendent of schools in each school district levying the utility gross receipts license tax to provide to the cabinet and to each entity providing utility services within the school district, the boundaries of the school district by March 31, 2005 and any subsequent changes thereafter.
- Provides for administration of requests for refunds, resolution of boundary conflicts, and penalties for non-payment. Makes clear that the taxes collected by the Revenue Cabinet are distributed monthly and remain the property of the levying school district.
- Makes the provisions effective July 1, 2005.

**HB 176 - AN ACT relating to school accountability.**

**Sponsors: J. Coleman, R. Nelson**

Requires that a student's test scores be counted in the accountability index of a school if the student was or is enrolled in the school for at least 100 days prior to the beginning of the statewide testing window, in the accountability index of a district if the student is enrolled in the district for at least 100 days prior to the beginning of the statewide testing window, and in the accountability index of the state if the student is enrolled in a Kentucky public school prior to the beginning of the statewide testing window.

**HB 178 - AN ACT relating to student dropouts.**

**Sponsors: J. Coleman, K. Hall, R. Nelson**

Requires that all students who drop out of school be counted in the annual state dropout index. Requires a student to be enrolled in the school for 30 days prior to the day he or she drops out to be counted in the school’s dropout rate. Excludes from a school’s annual dropout rate a student who is enrolled and making satisfactory progress in a district-operated or district-contracted General Educational Development (GED) program or a student who withdraws from school and obtains a General Educational Development (GED) diploma by October 1 of the following year.

**HB 309 - AN ACT relating to school employees' sick leave.**

**Sponsors: Dw. Butler, R. Nelson, H. Collins, C. Embry Jr, F. Nesler**

- Requires a board of education to provide a minimum of ten days of paid sick leave during each school year to full-time classified employees as is already required for certified employees.

**HB 398 (BR 829) - AN ACT relating to school board elections.**

**Sponsors: D. Horlander, A. Arnold, J. Barrows et al.**

- Requires the chief state school officer to fill county school board member openings for the term of office if no candidate files a petition for nomination.
- Requires the chief state school officer to fill independent school board openings for the term of office unless the number of candidates who file petitions for nomination is equal to or greater than the number of openings.

**HB 434 - AN ACT relating to retired teachers and declaring an emergency.**

**Sponsor: F. Rasche**

- Continues KTRS membership for former Department of Adult Education employees.
- Excludes accountability rewards program compensation from definition of "annual compensation." Changes the definition of "last annual compensation."
- Specifies beneficiary designations for the accounts of non-retired members and provides guidelines in the event of divorce or failure to name a beneficiary.
- Clarifies that only full-time out-of-state teaching service may be purchased, and provides that effective July 1, 2005, out-of-state teaching, Kentucky Peace Corps, and federal Peace Corps service shall be purchasable only at full actuarial cost.
- Specifies that benefits are available when the surviving widow or widower is named as the primary beneficiary and that benefits are available when the surviving widow or widower or legal dependent is named as the primary beneficiary.
- Allows non-current leaves of absence be purchased for reasons of health as defined under the Federal Family Medical Leave Act and allows alternative forms of proof that non-current leaves of absence were granted.
- Requires the state to contribute annually a percentage of the total salaries of the state-funded and federally funded members it employees to provide stabilization funding for the medical insurance fund.
- Permits, subject to IRS approval, members to purchase service credit by payroll deduction on a tax-deferred basis.
- Authorizes KRS retirees with KTRS reciprocity accounts to retire subject to KRS 61.559(2)(c) with actuarial discount applied.
- Reduces the percentage of retirees an employer may hire from 4% to 3% of employer's workforce and requires local school districts to make requests to exceed the quota no sooner than two weeks after the start of the school year.
- Prohibits second accounts from entitling members to duplicate adult handicapped child benefits.
- Permits cost-of-living allowances to be applied each July 1 to members' last annual compensation no matter when it was earned.



- Provides alternative separation-from-service requirements.
- Establishes a critical shortage program that allows a local board to employ retired members in full-time or part-time teaching or administrative positions without limitation on the compensation of the retired members. The superintendent may fill the position under this provision when there are no other qualified applicants. The number of retired members shall not exceed two members per local district or 1% of the total active members whichever is greater. Members returning to work are subject to separation-from-service requirements. Local school districts shall make annual payments to the retirement system on the compensation paid to the reemployed retirees at the rates determined by the retirement system that reflect any accrued liability resulting from the reemployment of these members. Authorizes the department to reemploy retired members in critical shortage areas at Kentucky School for the Blind, Kentucky School for the Deaf, and the Kentucky Virtual High School.
- Authorizes KTRS to reduce a member's retirement allowance on a dollar-for-dollar basis for each dollar that a retired member earns in employment exceeding 100 days. Permits any retired member to be employed by a university or community college for 12 teaching hours in a teaching position or 100 days in a non-teaching position. Permits KTRS to reduce a member's retirement allowance on a dollar-for-dollar basis for each dollar that a retired member earns in employment exceeding 100 days or 12 teaching hours, and requires the board to adopt a methodology for a pro rata apportionment of days and hours for retired members who return to work in both teaching and non-teaching positions. Specifies that the provisions for substitute and part-time employment do not apply to universities or community colleges. Authorizes the board to adopt a pro rata methodology to determine the annual compensation of members providing substitute and part-time services to determine disability benefits. Establishes conditions under which members providing substitute and part-time services may vote in retirement board elections. Establishes that instructional assistants who are used on an emergency basis as substitute teachers for 5 or fewer days in a fiscal year are not to be considered members of KTRS for those 5 or fewer days.
- Provides that a member may have court-ordered service credited to his or her account only after the retirement system has received contributions on the full compensation normally earned in the position which is the subject of the litigation, and make technical correction.
- Provides reference to basic retirement allowance as a base in calculating retirement allowance. Changes the reference to "last annual compensation" to "last yearly salary" and defines the term.
- Authorizes ad hoc cost of living allowances to retirees not to exceed .8% effective July 1, 2004 and .7% effective July 1, 2005.
- Provides conditions under which members who are customarily employed under 12-month contracts may retire prior to July 1.
- Specifies beneficiary designations for refund of retirees' account balances and provides guidelines for the event of divorce, naming trusts as beneficiaries and failure to designate a beneficiary. Specifies beneficiary designations for refund of retirees'



account balances and provides guidelines for the event of divorce, naming trusts as beneficiaries and failure to designate a beneficiary. EFFECTIVE July 1, 2004.

**HB 458 - AN ACT relating to local taxation.**

**Sponsor: C. Belcher**

Adds school districts and special taxing districts to the definition of “tax district” and brings all local taxing authorities under the same rules for rates, tax base, exclusions, measurements, and reporting forms for local taxation of businesses, except the utilities gross receipts taxes levied by school districts. Standardizes administration, requires timely filing of returns, and imposes penalties for unauthorized inspections or divulging confidential taxpayer information. Makes compensation to officers of corporations and lease or rental receipts from property subject to local taxation.

**HB 550/CI - AN ACT relating to the Department of Juvenile Justice and declaring an emergency.**

**Sponsors: R. Webb, J. Vincent**

- Makes various changes related to juvenile justice.
- Removes prohibition of a youthful offender who is a sex offender registrant from residing within a 1000 feet of a school or licensed day care facility if he or she is probated or paroled during his or her minority or while enrolled in a secondary education program.

**HB 551 - AN ACT relating to certified employees called to active military service.**

**Sponsor: R. Adkins**

- Permits a board of education to provide the employer's contribution for health insurance with the certified employee or spouse providing the difference in cost for a family plan if the certified employee is called to active military duty and commits to returning to work in the school district upon conclusion of the leave.
- Permits a local school district to provide a lump sum payment on behalf of a certified employee to the Kentucky Teachers' Retirement System when the employee returns to education service in the district to receive retirement service credit for the period of active military duty.
- Requires service credit for time spent in active military service for purposes of the single salary schedule.
- Permits a local board to require a one-year probation if the service credit qualifies the employee for a continuing contract and proper notice is given.

**HCR 23**

**Sponsor: R. Adkins**

Confirms the gubernatorial appointment of Dan H. Branham to the Education Professional Standards Board.

**HCR 24**

**Sponsor: R. Adkins**

Confirms the appointment of Wilson L. Stone to the Education Professional Standards Board.

**HCR 31**

**Sponsor: R. Adkins**

Confirms the appointment of Linda Livers to the Education Professional Standards Board for a term expiring September 18, 2006

**HCR 32**

**Sponsor: R. Adkins**

Confirms the gubernatorial reappointment of Thomas James Stull to the Education Professional Standards Board for a term expiring September 18, 2007.

**HCR 33**

**Sponsor: R. Adkins**

Confirms the gubernatorial reappointment of Kristin Moe Gregory to the Education Professional Standards Board for a term expiring September 18, 2007.

**HCR 34**

**Sponsor: R. Adkins**

Confirms the gubernatorial reappointment of Lydia Sweeney Coffey to the Education Professional Standards Board for a term expiring September 18, 2007.

**HR 100**

**Sponsor: F. Rasche**

Recognizes the importance of providing appropriate educational opportunities for gifted and talented students; encourage all components of the Kentucky educational system to identify and provide opportunities to gifted and talented students.

**HCR 120**

**Sponsor: R. Adkins**

Confirms the gubernatorial appointment of Bonnie Lash Freeman to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HCR 121**

**Sponsor: R. Adkins**

Confirms the gubernatorial appointment of David B. Rhodes to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HCR 122 (BR 1594) - R. Adkins**

Confirms the gubernatorial appointment of Janna P. Vice to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HCR 123 (BR 1595) - R. Adkins**

Confirms the gubernatorial appointment of David L. Webb to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HR 174**

**Sponsors: F. Rasche, L. Clark, R. Adkins, et al.**

Urges the United States Congress to fully fund and increase flexibility in implementing the federal No Child Left Behind Act.

**HJR 207**

**Sponsors: J. Thompson, B. Crall**

Directs the Personnel Cabinet and Kentucky Group Health Insurance Board to study the feasibility of establishing a health reimbursement arrangement for state employees. Requires the findings of the study to be included in its annual report submitted to the Governor, General Assembly, and Chief Justice of the Supreme Court by October 1, 2004.